

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii
March 10, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Subject: Request approval for mutual cancellation of the Mobile Food Concession Agreement SP-0048 at Nuuanu Pali State Wayside (Pali), Oahu, with Curtis Hong, dba Paradise Shrimp & Burger (Hong).

Previously, the Board authorized mobile food concessions (lunchwagons) at a number of Division of State Parks' locations. The Division of State Parks recently completed an open public auction process regarding concession services at locations throughout the islands. One of which is the Pali, the subject of this memorandum. Hong was also the winning mobile food concession bidder at Diamond Head State Monument. This action is not meant to affect that Concession Agreement. The term of the Pali Concession Agreement with Hong is from June 1, 2005 to May 31, 2008, three years at a fixed rent of \$7,200.00 per month.

The Concession Agreement required Hong to provide a portable toilet, which Hong did. In fact, due to excessive use he added an additional toilet at his own expense. According to the Hawaii Tourism Authority State Parks use survey, the Pali gets 1 million plus visitors per year. It has no comfort station as it is a watershed area. There was so much vandalism the portable toilet vendor terminated service this past month, in February. Hong is unable to secure another portable toilet vendor for this service.

Hong has a receivable of \$29,100.00 thru February 28, 2006. This has occurred from unanticipated bad weather and disagreement with tour drivers who dissuade their visitors from patronizing Hong's concession. As a result of these factors Hong overbid at auction.

Staff has spoken to Hong about canceling the Concession Agreement based upon the described community actions and financial results of the Concession Agreement. Hong is agreeable to canceling the Agreement. If approved by the Board, staff does not want this to interfere with future concessions at the Pali working with the community and others interested groups.

RECOMMENDATION:

That the Board agrees to:

1. Authorize the mutual cancellation of SP-0048 Concession Agreement and delegate the authority to the Chairperson to execute all relevant documents on behalf of the Board with approval as to form by the Attorney General's office; and
2. Approve using the Concession Agreement security deposit of \$14,550.00 toward the amount due and allow a 90 day period to repay the balance, and
3. The Board approves such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, Chairperson

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ELIMINATE COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT

WHEREAS, the Nu`uanu Pali lookout historic site has been a tourist and local attraction for many sightseers over the years,

WHEREAS, the Nu`uanu Pali lookout area is considered as one of the most sacred places on Oahu in Hawaiian history,

WHEREAS, this location represents the historic location of where Kamehameha I forced the O`ahu troops off the cliffs of the Nu`uanu Pali, in one of many efforts to unite all of the Hawaiian island chain,

WHEREAS, because of its historical significance, the location should be treated with the respect and dignity that it fully deserves,

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 46th Annual Convention in Kohala, Hawai`i, this 29th day of October 2005, that the Association of Hawaiian Civic Clubs requests that the Department of Land and Natural Resources eliminate all commercial vendors from the Nu`uanu Pali Lookout, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Governor and Lt. Governor of the State of Hawai`i, Senate President and House Speaker of the State Legislature, Office of Hawaiian Affairs Trustees, and Chairman of the Department of Land and Natural Resources.



The undersigned hereby certifies that the foregoing Resolution was duly adopted on October 29, 2005, at the 46th Annual Convention of the Association of Hawaiian Civic Clubs at Kohala, Hawai`i


President